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HIGH COURT OF CHHATTISGARH, BILASPUR

Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

M.A.(C). No.1381/2007

Appellant	:		Awadhram Sahu, S/o Gandharva Ram Sahu, Aged about : 58 years, R/o Village : Kurud, Police Station : Jamul, Tahsil & Distt. Durg (C.G.)
			VERSUS
Non-applicants Plaintiffs	:	1.	Samsul Hoda, S/o Aasif Ali, aged about 32 years, R/o Power House, B.S.P. (Consumer Society) Petrol Pump Bhilai, Police Station : Chhawni, Tahsil and Distt. Durg (c.G.)
	:	2.	Harikishan Agrawal, s/o Puranchand Agrawal, aged about 30 years, R/o B.S.P. (Consumer Society) Petrol Pump Power House, Bhilai, Police Station : Chhawni, Tahsil and Distt. Durg (C.G.)
	:	3.	The New India Insurance Company Limited, Through : Divisional Manager of the Division Office : Thakkar Chambers, G.E. Road bhilai, Power House, G.E.road Bhilai, Tahsil & Distt. Durg (C.G.)

Appeal under Section 173 of Motor Vehicles Act, 1988

Present:
Shri Santosh Yadu, counsel for the appellant/applicant.

O R A L O R D E R
(Passed on 04.12.2007)

Heard on admission.

2. The appellant is aggrieved by an award dated 27.09.2007 passed in Claim Case No. 15 of 2007 by the 12th Additional Motor Accidents Claims Tribunal (F.T.C.), Durg (hereinafter referred to as 'the Tribunal') awarding compensation of Rs.36,000/- in a case of permanent disability as a result of the accident.

3. The claimant had, prior to the accident, sought compulsory retirement from Bhilai Steel Plant (henceforth 'B.S.P.') and had admitted that the last payment received by him from B.S.P. had been invested in a fixed deposit in a nationalized Bank, and therefore, there was no loss of earning. He had

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also admitted that during hospitalization at B.S.P. hospital, he was only required to deposit Rs.60/- for a month's treatment. It is also not disputed by the learned counsel for the appellant that the appellant/claimant had suffered from polio in the right leg prior to the accident. The appellant/claimant did not examine the treating Doctor but examined one Dr. Akhilesh Yadav A.W.2, Medical Officer of the District Hospital, Durg, who examined the appellant/claimant almost one year after the accident for certifying permanent disability in the right leg. Despite the above features, the learned M.A.C.T. has awarded compensation under the following heads:

A)	under the head of 13% permanent disability	:	Rs.25,000/-
B)	towards special diet during hospitalization	:	Rs. 2,000/-
C)	expenses of attendant during hospitalization	:	Rs. 3,000/-
D)	towards conveyance charges	:	Rs. 1,000/-
E)	towards pain and suffering	:	Rs. 5,000/-
	Total	:	Rs.36.000/-

4. In the absence of evidence of the treating doctor, the fact that the claimant was already suffering from polio in his right leg, the fact that there was no loss of earning due to the accident as also the fact that the claimant received treatment from the B.S.P. hospital at a meager payment of Rs.60/- per month, I am of the considered opinion that the compensation awarded by the Tribunal is just and reasonable compensation.

5. In the facts and circumstances, the impugned award dated 27.9.2007 calls for no interference. Accordingly, the appeal being devoid of merit is dismissed at the stage of admission.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Anjan